

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIAKI SHIMADA,
HIDEO OHIRA and KENICHI ASANO

Application No. 09/210,775

ORDER RETURNING TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 29, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 21, 2003, appellants filed an Appeal Brief (Paper No. 29). According to page 2 of the Examiner's Answer (Paper No. 30), "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, it is noted that the language of claims 3 and 4 in the Appendix to the Appeal Brief differs from its last amended version. Correction is

Application 09/210,775

required. It should be noted that this deficiency was previously noted in the Order Returning to Examiner mailed May 5, 2004 (Paper No. 33).

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for issuance of a supplemental Examiner's Answer which contains a corrected copy of claims 3 and 4, or for notification to appellants to submit a new Appendix to the Appeal Brief filed August 11, 2003 (Paper No. 27) which contains the corrected claims; and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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